

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

DEREK TUCSON, ROBIN SNYDER,
MONSIEREE DE CASTRO, and ERIK
MOYA-DELGADO,

Plaintiffs,

v.

CITY OF SEATTLE, ALEXANDER
PATTON, TRAVIS JORDAN, DYLAN
NELSON, JOHN DOES (#1-4), and JANE
DOES (#1-2)

Defendants.

No. 2:23-cv-00017-MJP

STIPULATED MOTION FOR RELIEF
FROM DEADLINES TO JOIN
ADDITIONAL PARTIES AND AMEND
PLEADINGS

Note for Motion: May 4, 2023

[LCR 7(d)(1) and (j)]

Pursuant to LCR 7(j) and the Court’s Order Setting Trial Dates and Related Dates (Dkt. 26), the Parties hereby submit this stipulated motion to reset the deadlines for joining additional parties and amended pleadings related to joining those parties, currently set for May 5, 2023 and May 15, 2023 respectively. The parties seek extension of those deadlines to October 2, 2023 in order to allow sufficient time to conduct discovery – including scheduling and taking depositions and written requests to identify JOHN DOES 1-4 and JANE DOES 1-2 (collectively, the “Doe Defendants”), to move for joinder of those individuals, and to amend the pleadings accordingly.

I. Background

At the FRCP 26(f) conference, the parties discussed and agreed to a proposed deadline for joining additional parties that would allow Plaintiffs to conduct sufficient discovery to

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1 identify the Doe Defendants and to amend the complaint to join them within the scheduling
 2 order. The parties' Joint Status Report, Dkt. 25, p. 2, proposed "five months of discovery prior to
 3 the deadline for joining additional parties" because "the identity of individual defendants is not
 4 presently known to Plaintiffs."

5 Since the FRCP 26(f) conference, both parties have engaged in substantive motions
 6 practice.
 7

8 In the interim, the Court issued the Order Setting Trial Dates & Related Dates, Dkt. 26,
 9 which set the deadline for joining additional parties for May 5, 2023 and May 15, 2023. The
 10 discovery deadline is currently set for January 12, 2024.

11 **II. Good Cause Exists to Reset the Joinder and Amendment Deadlines**

12 A motion to extend deadlines in the Court's scheduling order must be supported by a
 13 showing of "good cause" for the extension. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604,
 14 608–09 (9th Cir. 1992); Fed. R. Civ. P. 16(b)(4); *see also* LCR 7(j). "Good cause" to extend a
 15 deadline exists "if it cannot reasonably be met despite the diligence of the part[ies] seeking the
 16 extension." *Johnson*, 975 F.2d at 609. In determining whether to amend a scheduling order to allow
 17 more time to conduct discovery, courts consider a number of factors, including:
 18

19 (1) whether trial is imminent, (2) whether the request is opposed, (3) whether the non-moving
 20 party would be prejudiced, (4) whether the moving party was diligent in obtaining discovery
 21 within the guidelines established by the court, (5) the foreseeability of the need for additional
 22 discovery in light of the time allowed for discovery by the district court, and (6) the
 23 likelihood that the discovery will lead to relevant evidence.

24 *City of Pomona v. SQM N. Am. Corp.*, 866 F.3d 1060, 1066 (9th Cir. 2017) (internal citation and
 25 quotation omitted).

26 Here, the factors favor amendment of the scheduling order to allow for discovery prior to the
 27 deadline for joining additional parties and amending the pleadings for purposes of joinder. Trial is
 not imminent and the request is unopposed. Both parties have been diligent. Neither party believes
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the extension would cause prejudice. Some period of time for discovery is necessary to identify the Doe Defendants. The parties seek this stipulated extension to these two specific deadlines: the deadline to join additional parties and the deadline to amend the pleadings (but only for amendments related to joinder of those additional parties). The parties do not seek any change in the trial date, discovery deadline, deadline for dispositive motions, or any other deadline. The additional parties are all anticipated to be current or former employees of Defendant City of Seattle, to be represented by Defendant's current counsel, and to result in no further delays of the case schedule.

Relief requested: The parties request that the deadline to join parties and amend pleadings related to joinder be extended to October 2, 2023. In the alternative, the parties ask the Court to take this motion under advisement or deny it without prejudice pending identification of the Does.

DATED this 4th day of May, 2023.

STIPULATED BY:

AND BY:

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This motion contains 864 words in compliance with the local rules.

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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following individuals:

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DATED this 4th day of May, 2023, at Seattle, Washington.

s/ Lucas Wildner
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